

CITY OF TUCSON CONTRACT NO. 237-88

A.G. CONTRACT NO. KR-87-2705-TRD

NO. 12623

FILED WITH SECRETARY OF STATE

Date Filed 12-23-87

Secretary of State

Project: BPP-824-9-301
Highway: Aviation CorridorINTERGOVERNMENTAL AGREEMENTBETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT entered into this _____ day of NOV 16 1987, 19____, pursuant to Arizona Revised Statutes Section 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the CITY OF TUCSON, hereinafter called "City". The State acts under the authority granted by Arizona Revised Statutes, Section 28-108. The City acts under the authority granted by Arizona Revised Statutes, Section 48-572 and Chapter XV, Tucson City Charter.

WHEREAS, State is presently developing plans and acquiring right of way for the limited access highway commonly known as the Aviation Corridor; and

WHEREAS, City owns certain parcels of land which the State considers necessary for right of way purposes; and

WHEREAS, it is mutually advantageous to the State and the City to provide for relocation of public utilities displaced by the Aviation Corridor as well as a landscape and noise buffer for neighborhoods abutting the Aviation Corridor; and

WHEREAS, City desires to promote the use of bicycles as an alternative means of transportation; and

WHEREAS, it is mutually advantageous to the State and the City to avoid condemnation proceedings.

NOW, THEREFORE, it is mutually agreed by and between the State and the City as follows:

STATE SHALL:

1. Obtain appraisals, at State expense, and sufficient to meet State standards, to establish a valuation for each of the parcels to be conveyed by the City, and submit these valuations to the City for review and approval.

2. Establish a landscape and public utility corridor along and within the northeasterly right of way line of the

Aviation Corridor. Said corridor shall be wide enough to accommodate the construction and maintenance of a paved bicycle path able to carry bicycle traffic in two directions simultaneously.

3. Be responsible for and bear the actual cost of design and construction of said landscape and public utility corridor including noise walls, landscaping, and the bicycle path. The design of each portion of the corridor shall be submitted to the City prior to commencement of construction for review and approval.

4. Submit to the City an estimate of the construction costs of said bicycle path.

CITY SHALL:

1. Convey to the State by a good and sufficient deed title to the properties described in Exhibit "A" attached to this Agreement and made a part hereof.

2. Notify the State within 30 days of State's submission of the valuation of the parcels, estimates of the construction costs of the bicycle path, or design of any portion of the landscape and public utility corridor of any and all objections it may have. Failure to timely notify the State of any objections shall be deemed as approval of the submitted item..

3. Have the exclusive use and assume all responsibility and cost of maintenance of the landscape and public utility corridor including the bicycle path within the Aviation Corridor right of way after completion of construction by the State; however, the City shall not make any changes, deletions or additions without written approval by the State. The City shall be bound by the provisions of Arizona Revised Statutes, Section 35-214.

IT IS FURTHER agreed that:

In the event that the valuations of all of the parcels exceeds the estimated construction costs of the bicycle path, the State shall reimburse the City the amount of the excess. In the event that the estimated construction costs exceeds the valuation of all the parcels, the City shall reimburse the State for all the amount of the excess.

THIS AGREEMENT shall be filed with the Secretary of State and shall become effective on the date of such filing.

The City shall save the State and its agents or employees harmless from all liability however arising to any and all persons, whether for personal injury or otherwise and from any claim of any person of damage to or loss of property by reason of performance by the City of any of its obligations under this agreement.

The State shall save the City and its agents or employees harmless from all liability however arising to any and all persons, whether for personal injury or otherwise and from any claim of any person of damage to or loss of property by reason of the performance by the State of any of its obligations under this agreement as permitted by law.

In the event that both parties are negligent, each party shall have the right of contribution against the other.

Attached hereto and incorporated herein are resolutions of the State and the City authorizing both entities to enter into this Agreement, and a written determination of the City Attorney of Tucson that this agreement is in proper form and within the powers and authority granted to the City under the laws of this State, and a copy of the Attorney General's Intergovernmental Agreement Determination Letter.

The effective date of this Agreement shall be upon filing with the Secretary of State and shall remain in full force and effect for as long as the land is used as either a bicycle path or landscape or public utility corridor. If the land should cease to be used for at least one of these purposes, the use of the land as well as any interest in the land which the City may have shall revert to the State.

ALL PARTIES are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year herein written.

CITY OF TUCSON, a municipal corporation

By: 

Title: Mayor

STATE OF ARIZONA
ARIZONA DEPARTMENT OF
TRANSPORTATION

By: 

W. O. Ford
State Engineer

COUNTERSIGNED:


City Clerk

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Intergovernmental agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the CITY OF TUCSON and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 10th day of November, 1987.

Louise B. Stratton
Assistant City Attorney

TRACT NO. 1: (Parcel 10-551)

Those portions of the following described property in Blocks 2 and 3, GOLDSCHMIDT'S ADDITION, as per map filed in Book 1, page 3 of Maps and Plats in the office of the Pima County Recorder, Arizona, and in Lots 16 and 17, Section 11, Township 14 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, according to the official plan and field notes made and executed by Theo F. White, under an Act of Congress approved February 5, 1875, entitled "An Act to Grant Title to Certain Lands in the Territory of Arizona, which lie within the tract of land described below under "Tract Description:"

Property Description:

Those portions of said Blocks 2 and 3, GOLDSCHMIDT'S ADDITION, and of said Lots 16 and 17 of Section 11 which are bounded on the Northeast by the Tucson Controlled Access Highway, Pima County Project F.I. 141, according to the map thereof recorded in said County Recorder's Office on March 3, 1949, as Instrument No. 6675 (also known as St. Mary's Road); on the East by the westerly line of the alley in said Blocks 2 and 3 of said GOLDSCHMIDT'S ADDITION; on the South by the southerly line of that parcel of land conveyed to Donald M. Millstone, et. ux, by that instrument recorded in said County Recorder's Office in Docket 1787, page 195 thereof and by the existing portion of the right of way line which is parallel with and distant 50.00 feet northerly of the "C-7" line as shown on said map of the Tucson Controlled Access Highway; and on the West by the following described line:

Beginning at a point on the "C-8" line in said Tucson Controlled Access Highway, said point being designated at "T.S. 17+41.04"; thence South $32^{\circ} 27' 40''$ West at right angles to said "C-8" line, a distance of 50.00 feet to the TRUE POINT OF BEGINNING; thence South $37^{\circ} 32' 20''$ East a distance of 18.73 feet to a point of curvature; thence southerly along the arc of a circular curve to the Right having a radius of 25.00 feet and an interior angle of $84^{\circ} 17' 56''$, a distance of 36.78 feet to a point of reverse curvature; thence southwesterly along the arc of a circular curve to the Left, having a radius of 730.00 feet, a distance of approximately 169 feet to its intersection with the aforesaid southerly line of that parcel described in Docket 1787, page 195, said point of intersection being the terminal point of said line.

EXHIBIT "A"

Page 2

Tract Description: (Parcel 10-551 cont.)

Those portions of the property described above under "Property Description" which lie within a strip of land 85.00 feet in width, being 85.00 feet wide on the southerly side of and concentric with the following described line:

Commencing at the Northeast corner of the aforesaid Section 11; thence South 0° 55' 27" East along the East line of said Section 11, a distance of 2946.00 feet to the point of beginning on the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence along said right of way centerline from a Local Tangent Bearing of North 80° 33' 41" West along a curve to the Right having a radius of 1432.38 feet, a distance of 549.52 feet to the point of ending.

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

TRACT NO. 2: (Parcel 10-549)

Those portions of Lot 6 in Block 2, GOLDSCHMIDT'S ADDITION to the City of Tucson, according to Map Book 1, page 3, records of Pima County, Arizona, and of Lots 16 and 17, Section 11, Township 14 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

Beginning at a point on the westerly line of an alley running northerly and southerly through Blocks 2, 3, 4, 7 and 10 of said GOLDSCHMIDT'S ADDITION, which point is the Northeast corner of said Lot 6 and is further described as being South 14° 29' 00" East, 92.37 feet along the westerly line of said alley from the southerly line of St. Mary's Avenue as now established according to the City of Tucson Engineering Department plan H-124; Thence South 14° 29' 00" East, 95.03 feet southerly along the westerly line of said alley to a point; thence South 73 ° 46' 00" West, 71.87 feet to a point; thence North 88° 16' 30" West, 354.16 feet to a point on the westerly line of the Abernathy property in said Lots 16 and 17; thence North 09° 47' 00" West, 102.03 feet along the westerly line of said property to a point; thence South 84° 28' 30" East, 293.42 feet to the Northwest corner of said Lot 6; thence North 65° 05' 00" East, 49.81 feet along the northerly line of said Lot 6 to the Northeast corner of said Lot 6, the TRUE POINT OF BEGINNING.

EXHIBIT "A"

Page 3

TRACT NO. 3: (Parcel 10-557)

Lots 11 and 12 in Block 172 of the CITY OF TUCSON according to Map Book 3, page 70, records of Pima County, Arizona;

EXCEPT any portion thereof lying West of the East right of way line of Meyer Avenue; and any portion thereof lying North of the southerly right of way line of Church Avenue, as now established or existing.

TRACT NO. 4: (Parcel 10-579)

Those portions of Lots 1 and 4, Block 84, CITY OF TUCSON, according to the official survey, field notes, and map as made and executed by S. W. Foreman and approved and adopted by the Mayor and Common Council of said City (then Village) of Tucson, on 6-26-1872, a certified copy of which map is of record in the office of the County Recorder of Pima County, Arizona, in Book 3 of Maps and Plats at page 70, which lie South of the southerly right of way line of 9th Street, West of the westerly right of way line of 4th Avenue and North of the northerly right of way line of the Southern Pacific Transportation Company.

TRACT NO. 5: (Parcel 10-732)

Lots 1 through 4, inclusive; Lots 7, 9, 15 and 16; and Lots 11 through 13, inclusive, all in Block 64, UNIVERSITY HEIGHTS, according to Book 3 of Maps and Plats at page 102, records of Pima County, Arizona.

TRACT NO. 6: (Parcel 10-722)

Lots 11 through 14, inclusive, Block 44, UNIVERSITY HEIGHTS, according to Book 3 of Maps and Plats at page 102, records of Pima County, Arizona.

TRACT NO. 7: (Parcel 10-695)

All of Block 52; Lot 1 of Block 53; and Lots 1 through 7, inclusive, and 9 through 16, inclusive, Block 57, all in UNIVERSITY HEIGHTS, according to Book 3 of Maps and Plats at page 102, records of Pima County, Arizona.

TRACT NO. 8: (Parcel 10-608)

Lot 7, Block 15, MANLOVE ADDITION, according to the amended map recorded in Book 3 of Maps, page 12, records of Pima County, Arizona.

EXHIBIT "A"

Page 4

TRACT NO. 9: (Parcel 10-618)

That triangular piece of land bounded on the East by Vine Avenue, on the North by Eighteenth Street and on the South by Factory Avenue, located in MONTCLAIR ADDITION to the City of Tucson, Pima County, Arizona, according to Book 2 of Maps, page 33B, records of said Pima County, Arizona.

TRACT NO. 10: (Parcel 10-637)

Lots 1 and 2, Block B, PARKWAY TERRACE, according to Book 5 of Maps, page 78, records of Pima County, Arizona.

EXCEPT any portion thereof which lies within the existing right of way of 22nd Street.

TRACT NO. 11: (Parcel 10-636)

Lots 1 through 13, Block A, PARKWAY TERRACE, a subdivision of Pima County, Arizona, according to the map of record in the Pima County Recorder's Office in Book 5 of Maps and Plats at page 78;

TOGETHER WITH that abandoned alley in said Block A as shown on road map recorded in Book 5 of Road Maps at page 11; and

TOGETHER WITH all that portion of the northeasterly 30 feet of Abandoned Aviation Highway, which was abandoned by Official Proceedings of the Board of Supervisors of Pima County, Arizona, said proceedings being recorded in said County Recorder's Office in Docket 418 at page 434 thereof, and as shown on the aforesaid map thereof of record in said County Recorder's Office in Book 3 of Road Maps at page 109 thereof, said portion of Abandoned Aviation Highway herein conveyed being bounded on the Northeast by the Southwest line of the aforesaid Block A of said PARKWAY TERRACE; bounded on the Southeast by the southerly projection of the westerly line of Plumer Avenue as shown on the aforesaid map or plat of PARKWAY TERRACE; and bounded on the Northwest by the westerly projection of the northerly line of said Block A of PARKWAY TERRACE.

TRACT NO. 12: (Parcel 10-636 cont.)

Lot 1, Block H, PARKWAY TERRACE, according to Book 5 of Maps and Plats, page 78, records of Pima County, Arizona.

EXHIBIT "A"

Page 5

TRACT NO. 13: (Parcel 10-636 cont.)

All that portion of Lot 2, Block H, PARKWAY TERRACE, as per map filed in Book 5, page 78, of Maps and Plats in the Office of the Pima County Recorder, Arizona, which lies westerly of the following described line:

Commencing at the Southwest corner of Section 17, Township 14 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona; thence North 0° 45' 29" West along the West line of said Section 17, a distance of 437.75 feet to the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence South 54° 43' 41" East along said centerline, a distance of 1192.39 feet; thence continue along said centerline South 54° 25' 25" East 347.64 feet; thence North 35° 34' 35" East 196.34 feet to the point of beginning on the South line of said Lot 2; thence North 35° 16' 37" East 36.65 feet; thence along a curve to the Right having a radius of 120.00 feet, a distance of 90.82 feet to a point of compound curvature; thence along a curve to the Right having a radius of 19.00 feet, a distance of 15.46 feet to the point of ending on the North line of said Lot 2.

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

TRACT NO. 14: (Parcel 10-631)

That portion of Parcel 2 of CHERRY CAMPBELL REDEVELOPMENT SUBDIVISION as per map filed in Book 11, page 27 of Maps and Plats, records of Pima County, Arizona, which lies southerly of the westerly projection of the North line of Lot 4, to the point of ending on the easterly line of Parcel 3 of said map.

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

EXHIBIT "A"

Page 6

TRACT NO. 15: (Parcel 10-673)

That portion of Lot 7 of CHERRY CAMPBELL REDEVELOPMENT SUBDIVISION, as per map filed in Book 11, page 27, of Maps and Plats in the Office of the Pima County Recorder, Arizona, which lies southerly of the following described line:

Commencing at the Southeast corner of Section 18, Township 14 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, thence North 00° 45' 29" West along the East line of said Section 18, a distance of 437.75 feet to the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence North 54° 43' 41" West along said centerline 76.49 feet; thence continue along said centerline along a curve to the Right having a radius of 5729.58 feet, a distance of 773.10 feet; thence continue along said centerline North 46° 59' 49" West 462.45 feet; thence North 43° 00' 11" East 230.58 feet to the point of beginning on the East right of way of Warren Avenue; thence South 44° 20' 12" East 77.05 feet; thence South 68° 19' 27" East 36.47 feet; thence North 89° 06' 12" East 53.00 feet; thence North 00° 53' 48" West 45.00 feet; thence North 89° 06' 12" East 125.00 feet; thence South 00° 53' 48" East 105.00 feet to the point of ending.

TRACT NO. 16: (Parcel 10-782)

That portion of EASTMOOR SUBDIVISION being designated as a Park, as per map filed in Book 9, page 78, of Maps and Plats in the Office of the Pima County Recorder, Arizona, which lies southerly of the following described line:

Commencing at the East quarter corner of Section 20, Township 14 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, thence South 01° 31' 14" West along the East line of said Section 20, a distance of 740.19 feet to the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence North 54° 43' 25" West along said centerline 238.70 feet; thence North 54° 25' 25" West along said centerline 2333.00 feet; thence North 34° 35' 34" East 83.91 feet to the point of beginning on the North line of said Park; thence North 89° 15' 37" East along said North line, 37.29 feet; thence South 54° 25' 25" East 563.83 feet to the point of ending on the West right of way line of Bristol Avenue.

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

EXHIBIT "A"

Page 7

TRACT NO. 17: (Parcel 10-634)

That portion of the Southwest quarter of the Southwest quarter (SW¼ SW¼) of Section 17, Township 14 South, Range 14 East, Gila and Salt River Meridian, Pima County Arizona, which lies between the existing northerly right of way line of 22nd Street and southerly of the following described line:

Commencing at the Southwest corner of said Section 17; thence North 00° 45' 29" West along the West line of said Section 17, a distance of 437.75 feet to the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence South 54° 43' 41" East along said centerline a distance of 601.28 feet; thence North 35° 16' 19" East 174.66 feet to the point of beginning on the East line of the West 589.00 feet of said Southwest quarter of the Southwest quarter (SW¼ SW¼) of Section 17; thence South 72° 33' 11" East 457.38 feet; thence North 89° 29' 51" East 265.00 feet to the point of ending on the West line of Plumer Avenue.

EXCEPT any portion thereof which lies within the West 589.00 feet of said Section 17;

EXCEPT any portion thereof which lies within the East 230.00 feet of said Southwest quarter of the Southwest quarter (SW¼ SW¼) of Section 17;

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above.

TRACT NO. 18: (Parcel 10-620)

Lots 1, 2, 3, 4, 5, 6, 7, and 8 in Block 9 and Lot 1 in Block 10 in MONTCLAIR ADDITION according to the map or plat thereof, of record in the Office of the Pima County Recorder, Pima County, Arizona, in Book 2 of Maps and Plats, at page 33B thereof; together with that portion of Vine Avenue lying between Blocks 9 and 10 of MONTCLAIR ADDITION; and bounded on the North by the South line of Factory Avenue and on the South by the North line of the Southern Pacific Railroad right of way.

TRACT NO. 19: (Parcel 10-620 cont.)

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 in Block 8, in said MONTCLAIR ADDITION, except those portions of said Lots 3, 6, 7, 8, 9, and 10 lying southerly and westerly of a line parallel with and distant 30.00 feet northeasterly measured at right angles from the northeasterly boundary of Factory Avenue, conveyed to City of Tucson, by deed recorded in the Office of the Pima County Recorder, Arizona, in Docket 61 at page 166; together with that portion of the North and South alley through Block 8 of said MONTCLAIR ADDITION, and bounded on the North by the South line of Eighteenth Street and on the South by a line parallel to, and 30.00 feet from the North line of Factory Avenue.

EXHIBIT "A"

Page 8

TRACT NO. 20: (Parcel 10-620 cont.)

A part of Lots 11, 14, and 15 in Block 7 in said MONTCLAIR ADDITION, described as follows:

Beginning at the Southeast corner of said Lot 15; thence South 89° 11' 12" West along the South line of said Lot 15, a distance of 92.32 feet; thence North 31° 19' 17" East 44.07 feet; thence North 35° 55' 57" East 115.15 feet to the East line of said Lot 11; thence South 00° 48' 35" East along the East line of said Lots 11, 14, and 15, a distance of 129.58 feet to the point of beginning.

Except any portion thereof which lies northerly of the line described below under "Line Description:"

TRACT NO. 21: (Parcel 10-620 cont.)

Those portions of Lots 13 and 16, Block 7, in said MONTCLAIR ADDITION, which lies southerly of the line described below under "Line Description:"

Line Description:

Commencing at the Southeast corner of Section 18, Township 14 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, thence North 00° 45' 29" West along the East line of said Section 18, a distance of 437.75 feet to the right of way centerline of State Route 210 (AVIATION CORRIDOR HIGHWAY); thence North 54° 43' 41" West along said centerline 76.49 feet; thence continue along said centerline along a curve to the Right having a Radius of 5729.58 feet, a distance of 773.10 feet; thence continue along said centerline North 46° 59' 49" West 532.65 feet; thence continue along said centerline along a curve to the Left having a Radius of 3819.72 feet, a distance of 575.27 feet; thence North 34° 22' 53" East, a distance of 283.97 feet to the point of beginning; thence North 67° 55' 07" West 238.83 feet; thence North 55° 35' 08" West 90.00 feet; thence North 29° 40' 55" West 85.85 feet to the West line of said Block 7; thence North 00° 54' 05" West along said Block line 25.57 feet to the point of ending.

The Grantor's remaining land shall have no right or easement of access to the limited access highway to be constructed over and upon the right of way described above. Reserving under Grantor that certain easement as described in the attached Exhibit "1".

EXHIBIT "A"

Page 9

Exhibit "1": (Parcel 10-620 cont.)

Reserving unto the City of Tucson a perpetual easement for the Kino Boulevard structure, together with all the rights incidental to the construction, maintenance and improvement of said structure;

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. Prior to commencing any work beneath said structure, the City of Tucson shall obtain a permit from the Arizona Department of Transportation's District 2 Office, 1221 South 2nd Avenue, Box 27306, Tucson, Arizona 85726.
3. The City of Tucson shall bear all costs necessary to operate, construct and maintain said structure.
4. In the event the City of Tucson abandons the easement herein reserved, all the City's rights under this easement shall cease automatically and title shall vest in the State of Arizona, by and through its Department of Transportation.
5. To the extent legally permissible, the City of Tucson shall indemnify and save harmless the State, its agents, contractors and employees, from all liability, however arising, to any and all persons, whether for personal injury or otherwise, and from any claim of any person of damage to or loss of property by reason of anything done, or permitted to be done, or omitted from being done by the City of Tucson, its agents, contractors or employees in and about the area of this easement.

0818E

NOV 16 1987

RESOLUTION NO. 14265

RELATING TO TRANSPORTATION AND RIGHT-OF-WAY; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR CREATION OF A BICYCLE PATH AND THE PURCHASE OF CITY RIGHT-OF-WAY ALONG STATE ROUTE 210.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

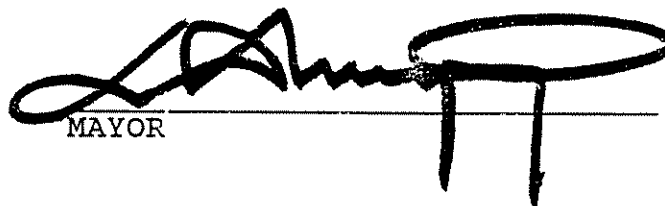
SECTION 1. The Intergovernmental Agreement with the Arizona Department of Transportation, attached hereto as Exhibit A, for creation of a bicycle path and the purchase by the State of City-owned right-of-way for drainageway purposes along State Route 210 is hereby approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the said Intergovernmental Agreement for and on behalf of the City of Tucson and the City Clerk is authorized and directed to attest or countersign the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of
the City of Tucson, Arizona, NOV 16 1987.


MAYOR

ATTEST:

David L. Went
CITY CLERK

APPROVED AS TO FORM:

Spelan
CITY ATTORNEY

REVIEWED BY:

LS. O.
CITY MANAGER

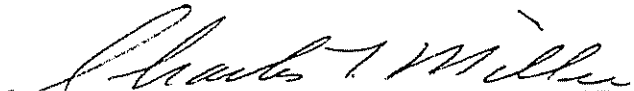
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PROJECT: BPP-824-9-301
SECTION: Aviation Corridor

RESOLUTION

BE IT RESOLVED on this 5th day of November, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona, that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Tucson to acquire land owned by the City of Tucson and needed for the Aviation Corridor right of way in exchange for construction by the Arizona Department of Transportation of a bicycle path along the northerly right of way line of the Aviation Corridor.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.


Charles L. Miller, Director
Arizona Department of
Transportation

TE:ks

0063e/



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KP-87-2705-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 21ST day of DECEMBER, 1987.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division